

UNITED DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERARD CORSINI,

Plaintiff,

Civil Action No.:
13 CV 2587

-against-

DANIEL BRODSKY, THOMAS BRODSKY, THE
BRODSKY ORGANIZATION, LLC, 433 WEST
ASSOCIATES, LLC, URBAN ASSOCIATES, LLC,
MARGARET BERGIN O'CONNOR, LOUIS
ZADRIMA, JOSEPH PITRE, THE CITY OF NEW
YORK, MAYOR MICHAEL R. BLOOMBERG,
FIRST DEPUTY MAYOR PATRICIA E. HARRIS,
POLICE COMMISSIONER RAYMOND W. KELLY,
COMMISSIONER KATHERINE L. OLIVER,
COMMISSIONER ROBERT LIMANDRI, DEPUTY
COMMISSIONER JOHN BATTISTA, DEPUTY
INSPECTOR ELISA A. COKKINOS, DETECTIVE
ERIC PATINO, DISTRICT ATTORNEY CYRUS R.
VANCE, JR., ASSISTANT DISTRICT ATTORNEY
LISA DELPIZZO, ASSISTANT DISTRICT ATTORNEY
DANIEL GARNAAS-HOLMES, ELIZABETH MORGAN
AKA ELIZABETH MORGAN CARY, JONATHAN CARY,
DANIEL H. MCKAY, AARON SHMULEWITZ,
BELKIN BURDEN WENIG & GOLDMAN, LLP, AND
JOHN DOES 1-25 AND JANE DOES 1-25,

ANSWER TO FIRST
AMENDED COMPLAINT

Defendants.

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Defendants, DANIEL BRODSKY, THOMAS BRODSKY, THE BRODSKY
ORGANIZATION, LLC, 433 WEST ASSOCIATES, LLC, URBAN ASSOCIATES, LLC,
MARGARET BERGIN O'CONNOR, LOUIS ZADRIMA and JOSEPH PITRE, by and through
their attorneys, GARTNER + BLOOM, P.C., as and for their Answer to the First Amended
Complaint, state as follows:

1. Deny in the form alleged the allegations contained in paragraph "1(a)", "1(b)", "8", "9" and refer all questions of law to the Court.

2. Deny knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "1(i)", "1(iv)", "1(vi)", "3", "4", "5", "6", "7", "10", "11", "12", "13", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24" of the First Amended Complaint.

3. Deny in the form alleged the allegations contained in paragraphs "1(ii)", "1(iii)", "1(v)", "2", "14" of the First Amended Complaint.

ANSWERING THE FIRST CAUSE OF ACTION

4. In response to paragraph "25", answering defendants repeat, reiterate and reallege each and every response to the allegations contained in paragraphs "1" through "24" inclusive, with the same force and effect as if set forth at length herein.

5. Deny in the form alleged the allegations contained in paragraph "26" and refer all questions of law to the Court.

ANSWERING THE SECOND CAUSE OF ACTION

6. In response to paragraph "27", answering defendants repeat, reiterate and reallege each and every response to the allegations contained in paragraphs "1" through "26" inclusive, with the same force and effect as if set forth at length herein.

7. Deny in the form alleged the allegations contained in paragraph "28" of the First Amended Complaint.

ANSWERING THE THIRD CAUSE OF ACTION

8. In response to paragraph "29", answering defendants repeat, reiterate and reallege each and every response to the allegations contained in paragraphs "1" through "28" inclusive, with the same force and effect as if set forth at length herein.

9. Deny in the form alleged the allegations contained in paragraphs "30", "31" of the First Amended Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

10. The plaintiff's claims or some of them are barred by the applicable statute of limitations.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

11. Plaintiff's claims fail to state a cause of action upon which relief can be granted.

AS AND FOR A FIRST CROSS-CLAIM OVER AGAINST ALL CO-DEFENDANTS
(contribution)

12. Upon information and belief, if plaintiff was caused to sustain any of the injuries claimed or the damages alleged at the time and place set forth in the complaint, liability for which has been denied by answering defendants, said damages will have been sustained by the reason of the culpable conduct and negligence of some or all of co-defendant(s), in whole or part, and therefore, answering defendants are entitled to contribution based on fact and law from co-defendants, in accordance with the relative responsibilities of the parties hereto.

13. By reason of the foregoing, if any judgment is recovered in this action, co-defendant(s) will be liable to answering defendants herein, in the proportion of such relative responsibility, together with the costs and disbursements of this action.

AS AND FOR A SECOND CROSS-CLAIM OVER AGAINST ALL CO-DEFENDANTS
(common law indemnification)

14. Upon information and belief, if plaintiff was caused to sustain any of the injuries claimed or the damages alleged at the time and place set forth in the complaint, all of which has been denied by answering defendants, said damages will have been sustained by the reason of the culpable conduct and negligence of some or all of co-defendant(s), and therefore, answering defendants are entitled to common law indemnification based on fact and law from co-defendant(s).

15. By reason of the foregoing, if any judgment is recovered in this action, co-defendant(s) will be liable to answering defendants herein, for the amount thereof, together with the costs and disbursements of this action, including attorneys' fees.

WHEREFORE, Defendants, DANIEL BRODSKY, THOMAS BRODSKY, THE BRODSKY ORGANIZATION, LLC, 433 WEST ASSOCIATES, LLC, URBAN ASSOCIATES, LLC, MARGARET BERGIN O'CONNOR, LOUIS ZADRIMA and JOSEPH PITRE, demand (1) judgment dismissing the plaintiff's Complaint herein, (2) on the First Counterclaim, in the event a judgment is entered against the answering defendants, a declaration and judgment allocating responsibility against the co-defendants for contribution; (3) on the Second Counterclaim, a money judgment against the co-defendants in the amount of attorney's fees and expenses incurred in the defense of this action, and in the event a plaintiff judgment is entered against the answering defendants, a judgment over and against the co-defendants in the amount of the plaintiff's judgment; together with the costs and disbursements of the within action.

Dated: New York, New York
February 14, 2014

Respectfully submitted,

GARTNER + BLOOM, PC

BY: ARTHUR P. XANTHOS

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